



Washington State Senate

Olympia Address:
415 Legislative Building
PO Box 40405
Olympia, WA 98504-0405

Senator Mark Mullet
5th Legislative District

Phone: (360) 786-7608
FAX: (360) 786-1323
Mark.Mullet@leg.wa.gov

January 12, 2016

Office of Regulations and Interpretations
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

**Re: RIN 1210-AB71 Savings Arrangements Established by States for Non-Governmental Employees; and
RIN 1210-AB74 Interpretive Bulletin Relating to State Savings Programs That Sponsor or Facilitate Plans Covered by the Employee Retirement Income Security Act of 1974**

Ladies and Gentlemen;

Thank you for taking action in 2015 around supporting states who are making an effort to facilitate small business owners offering retirement plans. We believe the best way to solve the lack of retirement planning in our country is to remove as many barriers as possible to people saving. Your actions have moved the country in a positive direction towards preparing more people for retirement. Thank you for your efforts.

Washington State is the only state to have passed legislation creating a Retirement Marketplace, with New Jersey likely to follow soon. We were thrilled to see the rules enabling state sponsored plans to have safe-harbor protections to offer auto-enrollment. However, we were disappointed that the Washington Retirement Marketplace does not benefit from these same safe-harbor protections when it comes to auto-enrollment.

For companies to have plans offered on the Washington Retirement Marketplace they need to meet a variety of requirements, most important being that the fees charged are fair to the consumers. Washington residents would be much better prepared for retirement if we had the option to auto-enroll employees into the Retirement Marketplace.

Please consider how these proposed rules could be amended so states that create a Retirement Marketplace, with consumer protections around fees being charged, are able to offer auto-enrollment. In addition to being a State Senator, I own a Ben and Jerry's ice cream store and a local pizza restaurant in the Seattle area, and can personally vouch that for my staff, auto-enrollment would be a game changer in dramatically increasing the number of people saving for retirement.



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Thanks again for all your positive efforts in this space. Hopefully we can find a way to expand the ability for auto-enrollment to Marketplace plans with good consumer protections.

Best regards,

A handwritten signature in black ink, appearing to read "Mark Mullet", followed by a long horizontal flourish.

Senator Mark Mullet
Washington State Senate- District 5